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Claim 1 has been amended to clarify that the claim limitation "in the form of powder" is directed only to the organic salt. Claims 5, 6 and 9-12 have been amended to remove the term "characterized in that," and replace it with the more conventional term "wherein."

In view of the amendments to the claims, Applicants respectfully request that the Examiner withdraw the rejections made under 35 U.S.C. § 112, second paragraph.

Rejections Under 35 U.S.C. § 103(a)

The Examiner rejected claims 1-12 under 35 U.S.C. § 103 as unpatentable over US patent 4,740,374 or US patent 5,866,157, individually or combined with US patent 5,271,946. Applicants respectfully traverse the rejection.

The claimed invention is different from the teachings of the cited prior art in that none of the '374 patent, the '157 patent, or the '946 patent, alone or in combination, teach that the organic acid salt is in the form of a powder or that the organic acid salt forms an ion-pair with the drug, and certainly not the combination thereof.

Applicants note that the '157 patent teaches that "any basic drug which forms ion-pair with the organic acid may be used" as a physiologically active substance in an adhesive preparation (column 3, lines 22-25). It must be recognized, however, that the instantly claimed invention further is limited to an ion-pair with a specific mean diameter of 0.1-100 μ m. This feature, which allows the adhesive preparation to improve the skin permeability of the drug by enhancing the partition coefficient to skin (see the specification at page 4, lines 13-15), is not taught or suggested by the '157 patent.

In addition, US Patent 5,271,946 is not combinable with the other two cited patents, because the '946 patent describes the use of sodium acetate of the stated particle size in "pore forming solids," which are used as "pore forming agents suitable for the preparation of the microporous layer" in a coating of pressed disks, tablets and granulates. See column 6, lines 42-

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62 and column 5, lines 9-10. The '946 patent relates to water containing preparations, in which a drug and an organic acid salt cannot form an ion-pair whatsoever.

The combination of the teachings of particle size in the '946 patent with the ion-pair taught in the prior art would mean that one of ordinary skill in the art would not be motivated to form an ion-pair between a base drug salt and an organic acid salt having certain particle sizes, as is presently claimed. The combination of prior art patents made by the Examiner would suggest to one of ordinary skill in the art a coating of organic acid salt particles around the base drug salt, not the formation of an ion pair.

Therefore, Applicants assert that the cited prior art patent, alone or in combination, do not teach or suggest the claimed invention. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of the claims under 35 U.S.C. 103.

Respectfully submitted,


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